

CALL TO ORDER

Mayor Severino opened the meeting at 7:04 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; mailed electronically to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

FLAG SALUTE

ROLL CALL - Present: Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek

Absent: Mr. Haynes

Others Present: J. Peter Jost, Esq., Robert Clerico, Township Engineer, Grace Brennan, CFO; Steve Balzano, Robert Swisher and Ella M. Ruta, Township Clerk

APPROVAL OF PRIOR MEETING MINUTES

- a. Special Meeting Minutes of January 31, 2010
- b. Regular and Executive Meeting Minutes of February 3, 2010.

Mr. Mazza made a motion to approve the Special Meeting Minutes of January 31, 2010. Mrs. Dziubek seconded. Vote: Ayes – Mr. Severino, Mr. Mazza, Mrs. Dziubek. Abstain – Mr. Bischoff. Motion carried.

Mr. Mazza made a motion to approve the Regular and Executive Session Meeting Minutes of February 3, 2010. Mrs. Dziubek seconded. Vote: Ayes – Mr. Severino, Mr. Mazza, Mrs. Dziubek. Abstain – Mr. Bischoff. Motion carried.

VISITORS**REPORTS RECEIVED**

- a. Road Dept - Week Ending 01/29/10; 02/07/10. The Committee acknowledged the report.

CORRESPONDENCE/WRITTEN COMMUNICATIONS

Mrs. Dziubek mentioned the following correspondence:

- Various correspondence relating to the changes in COAH. The Governor has suspended COAH for 90 days and appointed a Special Committee from which he will receive recommendations.
- We have the Board of Chosen Freeholders Resolution opposing the development of the large trucking facility.

Mr. Mazza mentioned the following correspondence: None

Mr. Bischoff mentioned the following correspondence:

Mr. Jost explained S-82, time of Decision Rule to the Committee. NJLM is recommending opposition to the legislation.

**RESOLUTION #2009-37
UNION TOWNSHIP, HUNTERDON COUNTY
OPPOSITION TO S-82 TIME OF DECISION RULE**

BE IT RESOLVED, that the Township Committee of Union Township hereby goes on record as opposed to S-82 regarding the Time of Decision Rule and urges its State Senator in particular and Assembly persons to vote against said legislation.

Mrs. Dziubek made a motion to adopt the above resolution. Mr. Bischoff seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

- S-458 (Tax Collection, Tax Assessment, Health and Animal Control Bill). Discussion tabled for next meeting.
- Proposed Pension Reform Bills S-2, S-3, S-4 and SCR-1. Mr. Bischoff requested Mrs. Brennen to review and advise the Committee how it may affect the Township.
- Letter - Pilot Travel Center (Wastewater and Water quality Management Plan). Copy of correspondence will be given to the Township Engineer and Planning Board Chairman for handling.

Mr. Severino mentioned the following correspondence:

- Letter – Solid Waste Advisory Committee. Affirming the lack of favorable responses to the proposed Shared Services for Recycling Coordinator.
- Union Township’s website will provide information on future meetings concerning the Franklin Township, Warren County proposed truck depot.

PUBLIC COMMENTS

Michele McBride, Olde Forge Road, Hampton.

- Inquired if the Attorney had an opportunity to work on the Milligan Farm resolution for the trail grant.
- Hoffman House RFP, the Stewardship Committee has done all they can do. Mrs. McBride will email to the Attorney and Clerk. Mrs. McBride to write email to Freeholder Mennen and copy HC Counsel, Mr. DeSapio. Mrs. McBride suggested that they purchase a monitoring system from Home Depot for the Hoffman House. The Committee is agreeable.
- The Stewardship Committee has been talking about ways to raise revenue in the parks. Possibility of allowing permits for deer hunting in Milligan Farm and Finn Road Parks. Discussion followed and the Attorney will check with Mr. Tarricone concerning insurance.

Paige DiRoberto, Township Resident

- Expressed concern over recycling being closed on consecutive weekends during the Christmas holiday.

PUBLIC HEARING – Final comprehensive Farmland Preservation Plan for Year 2010

Mayor Severino asked for a motion to open the Public Hearing on the Final 2010 Comprehensive Farmland Preservation Plan for Union Township.

Mr Bischoff made a motion to open the Public Hearing for the Final 2010 Comprehensive Farmland Preservation Plan for Union Township. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

Barbara Heskins Davis of The Land Conservancy of New Jersey. Overview Presentation on the Comprehensive Farmland Preservation Plan. Discussion and questions from the Committee.

There being no further questions/comments, Mr. Bischoff made a motion to close the Public Hearing. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

OUT OF AGENDA ORDER

EXECUTIVE SESSION – the following resolution introduced for adoption:

RESOLUTION 2009-38

Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

WHEREAS, the *Open Public Meetings Act*, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1. *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege*: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in Executive session on February 17, 2010, at 8:00 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Mr. Mazza made a motion to adopt the above resolution. Mrs. Dziubek seconded. Vote: Ayes - Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

At about 9:20 p.m., Mr. Mazza made a motion to come out of the Executive Session. Mr. Bischoff seconded. Vote –Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

The Committee agreed to hold 2010 budget meetings on Tuesday, February 23 or Wednesday, February 24 and Wednesday, March 10, 2010.

OLD BUSINESS

Pattensburg Rescue Squad – Letter re: 2010 Budget

Atty. Jost stated that the Township was advised by our insurance Risk Manger that it is not possible for the Township to pay Workers Compensation for paid employees on behalf of another employer (Pattensburg Rescue Squad) only for volunteers. Based on that information, the Township respectfully declines payment of the Workers Compensation.

Atty. Jost presented he following Resolution introduced for adoption:

RESOLUTION #2009-39
Supporting Grant Application for
Milligan Farm Park Trail and Trailhead

WHEREAS, the Union Township Environmental Commission has submitted a 2010 Recreational Trail Program Grant Application to the New Jersey Department of Environmental Protection for the project known as Milligan Farm Park Trail and Trailhead in the requested amount of \$21,150.00 with a \$5,115.00 match of fair market value of services, and a match of fair market value of supplies of \$1,200.00, for a total project cost of \$27,465.00, for property know as Block 22, Lot 20 in the Township of Union, County of Hunterdon and State of New Jersey, commonly known as Milligan Farm Park, and good cause appearing;

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, hereby supports the submittal of said Grant Application to the New Jersey Department of Environmental Protection by the Union Township (Hunterdon) Environmental Commission, and authorizes the appropriate Environmental Commission and/or other Township officials to do all things necessary to submit, process and effectuate such application; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Mr. Bischoff made a motion to adopt the above resolution. Mrs. Dziubek seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

NEW BUSINESS

a. The following resolution introduced for adoption:

RESOLUTION #2010-40
UNION TOWNSHIP, HUNTERDON COUNTY
AUTHORIZING THE AWARD OF A
2010 PROFESSIONAL SERVICES RESOLUTION/AUDITOR:
SUPLEE, CLOONEY & COMPANY

WHEREAS, there exists a need for a municipal Auditor as a non-fair and open contract pursuant to provisions of N.J.S.A.19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, SUPLEE, CLOONEY & COMPANY has submitted a proposal dated January 29, 2010, indication they will provide the auditor services for the fee not to exceed \$28,900.00; and

WHEREAS, SUPLEE, CLOONEY & COMPANY has completed and submitted a Business Entity Disclosure Certification which certified that SUPLEE, CLOONEY & COMPANY has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit SUPLEE, CLOONEY & COMPANY from making any reportable contributions through the term of the contract; and

WHEREAS, the required certificate for the availability of funds has been filed by the Chief Financial Officer providing that legally appropriated balances are available to cover the amount of the contract as required by N.J.A.C.5:30-14.5 and that fees for the aforementioned auditing and non-auditing services shall be made available by appropriate inclusion in either an annual municipal budget which includes current, revenue sharing and utility provisions, by budget amendments for Federal program spending or by inclusion in an appropriate bond ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, authorizes the Mayor and Clerk of the Township of Union to enter into a contract with SUPLEE, CLOONEY & COMPANY as described herein as auditors on and in behalf of the Township of Union for the year **2010**; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the official Township newspaper and a copy of this Resolution shall be forwarded to SUPLEE, CLOONEY & COMPANY, the Township Clerk and the Township Financial Officer.

CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, Chief Financial Officer, of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds to award a contract to SUPLEE, CLOONEY & COMPANY, as appropriated in the **2010** Temporary/Adopted Budget under the line item "Finance OE".

Date: February 17, 2010

Grace M. Brennan, CFO

Mrs. Dziubek made a motion to adopt the above resolution, subject to Attorney review. Mr. Bischoff seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

b. The following resolution introduced for adoption:

RESOLUTION #2010-41
UNION TOWNSHIP; HUNTERDON COUNTY
RESOLUTION AUTHORIZING CONTRACT FOR LEGAL SERVICES 2010
William Brinton Esq. – Special Counsel

WHEREAS, William D. Brinton, Esq. and Roger Towers, PA ("Contractor") has been appointed as Special Counsel for the Township of Union, Hunterdon County, New Jersey, ("Municipality") for the calendar year 2010; and

WHEREAS, the Municipality and the Contractor wish to have a written agreement as to services to be rendered and fees to be charged;

NOW THEREFORE, BE IT AGREED this 17th day of February 2010 by and between the Municipality and the Contractor as follows:

MINUTES OF REGULAR MEETING February 17, 2010

1. Purpose and Scope of Work: Contractor agrees to provide services to the Municipality as set forth in the engagement letter attached hereto as Exhibit A and made part hereof.
2. Professional Service: In order to insure that the retention of the Professional by the Township constitutes a professional service, as that term is defined under the New Jersey local Public Contracts Law, Contractor represents (1) the services are being rendered and performed by a person authorized by law to practice a recognized profession, (2) the practice is regulated by law and (3) the performance of the service requires knowledge of an advance type in a field of learning acquired by a prolonged, formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training.
3. Conflict of Interest: The Contractor represents that it is not employed or retained and will not be rendering services for an individual, company, municipality or other entity which would create a conflict of interest by virtue of the services to the Contractor is now rendering for the Township of Union under the terms of this Agreement. Moreover, the Contractor represents and acknowledges that all information, strategies, positions, etc. will not be disseminated to any third party.
4. Terms of Contract: This contract shall be effective for the period January 1, 2010 through December 31, 2010. Funding for the first ninety (90) days of this contract has been appropriated by the governing body pursuant to the 2010 temporary municipal budget. This contract shall be subject to availability and appropriation of sufficient funds as may be required in the 2010 permanent municipal budget.
5. Appropriation; Compensation: The maximum amount of fees and compensation under this agreement shall not exceed the amount to be appropriated for legal services during the term of this agreement or as said amount may be amended by the governing body. Invoices shall be submitted by the Contractor to the Municipality with vouchers in accordance with applicable laws, regulations and ordinances regarding public contracts and payment claims.
6. Professional Liability Insurance: The Contractor shall maintain, during the full term of this Contract, policy of professional liability insurance in the amount satisfactory to the Township, insuring the Township against errors and omissions in connection with work performed by the Contractor.
7. Political Contribution Disclosure: This contract has been awarded to Contractor based on the merits and abilities of Contractor to provide the goods and services as described herein. This contract was not awarded through a "fair and open" process pursuant to N.J.S.A. 19:44A-20.4 *et seq.* As such, the undersigned/above signed does hereby attest that Contractor its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded.
8. Affirmative Action: Contractor agrees to comply with the terms and conditions of Exhibit B, Mandatory Affirmative Action Language and Affirmative Action Plan/Report Filing Information, which are attached to and made part of this contract.
9. Exhibit C (Business Registration Certificate), Exhibit D (Business Entity Disclosure Certification) and Exhibit E (Political Contribution Disclosure Form) attached to and made part of this contract.
10. Assignment: This contract shall not be assigned.

11. A Notice of this action shall be printed once in the official newspaper of this municipality.

CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, CFO of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2010 Temporary/Adopted Budget to award a contract to William D. Brinton, Esq., as appropriated under the line item "Legal".

Date: _____

Grace M. Brennan, CFO

Mr. Mazza made a motion to approve the above resolution. Mrs. Dziubek seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

c. The following resolution introduced for adoption:

RESOLUTION #2010-42
UNION TOWNSHIP; HUNTERDON COUNTY
RESOLUTION AUTHORIZING CONTRACT FOR LEGAL SERVICES 2010
Stuart Koenig, Esq. Special Counsel – Affordable Housing

WHEREAS, the Township of Union has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A.40A:11-3(b); and

WHEREAS, funds are available in an appropriation entitled Legal Services and Costs, Other Expenses and have been certified by the local finance officer; and

WHEREAS, Stickel, Koenig & Sullivan, has completed and submitted a Business Entity Disclosure Certification which certifies that Stickel, Koenig & Sullivan has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit Stickel, Koenig & Sullivan from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A.40A:11-1, et seq.) required that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, Hunterdon County, NJ, as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Stuart Koenig, Esq., of Stickel, Koenig & Sullivan, a Professional Corporation, 571 Pompton Avenue, Cedar Grove, New Jersey 07009 for legal services for 2010.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because Stuart Koenig, Esq. is an attorney at Law of the State of NJ in good standing and is a person authorized to practice a recognized profession.

3. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the 2010 temporary/adopted municipal budget(s).

4. A Notice of this action shall be printed once in the official newspaper of this municipality.

CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, CFO of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2010 Temporary/Adopted Budget to award a contract to Stuart Koenig, Esq., as appropriated under the line item "Legal".

Date: _____

Grace M. Brennan, CFO

Mr. Bischoff made a motion to approve the above resolution. Mrs. Dziubek seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

d. The following resolution introduced for adoption:

RESOLUTION #2010-43
UNION TOWNSHIP, HUNTERDON COUNTY
2009 RESERVE BUDGET APPROPRIATION TRANSFER(S)

Be it resolved by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that there are insufficient funds to meet the demands necessary for the 2009 Reserve appropriations, in the following accounts:

TO:	10515520A	LEGAL	\$10,000.00
	10526520A	FIRE DEPARTMENT OE	132.75
			\$10,132.75

WHEREAS, the following account(s) have sufficient excess funds to meet such demands:

FROM:	10518020A	PLANNING BOARD OE	\$10,132.75
			\$10,132.75

BE IT RESOLVED that in accordance with the provisions of R.S. 40A: 4-58 the Chief Financial Officer is hereby authorized to make the transfer(s) required to meet the obligations of Union Township.

Mr. Bischoff made a motion to approve the above resolution. Mrs. Dziubek seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

e. The following resolution introduced for adoption:

RESOLUTION #2010-44
REAPPOINTMENT - TOWNSHIP CLERK

WHEREAS, in accordance with N.J.S.A. 40A:9-133, the Governing Body appointed Ella Malecki Ruta as Township Clerk for a three year term on March 5, 2007; and

WHEREAS, this appointment expires March 5, 2010; and by State Statute this appointment must be renewed; and;

WHEREAS, in accordance with the above cited statutes and Public Law, the Municipal Clerk shall hold a Registered Municipal Clerk Certification; and

WHEREAS, Ella Malecki Ruta is a Registered Municipal Clerk, and has performed the responsibilities of the position as required.

NOW, THEREFORE, BE IT RESOLVED by the Union Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that Ella Malecki Ruta, RMC, is hereby reappointed to the position of Municipal Clerk for the Township of Union, for a new three-year term.

Mr. Mazza made a motion to approve the above resolution. Mr. Bischoff seconded the motion. Vote: Ayes - Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

f. **Motion to Approve:** – 2010 Junkyard License – Cozze Brothers LLC. Tabled.

g. **Discussion** – 2010 Municipal Budget. Dates for a Special Meeting were set.

NEW ORDINANCE – 1ST Reading – None

REPORTS

Engineer's Report – Written report as submitted. Mr. Clerico reported the following:

- Baptist Church Rd.– Driftway Sight Clearing. Road Dept has cleared all the trees in the Baptist Church Rd right of way. Discussed the property owner's stockade fence on the right of way interfering with the sight easement. The Mayor to handle.
- Gano Road Drainage Issue. Will be revisited after the snow melts.
- Rt 78 Directional Signage. Mr. Clerico will contact the appropriate individual at DOT to have the missing sign replaced.

Attorney's Report – Mr. Jost reported the following:

- All matters discussed earlier

Mayor's Report – Mayor Severino reported the following: None

COMMITTEE REPORT

Mrs. Dziubek reported the following:

- Tax Collector job description. Committee to review.
- Atty. Jost asked the Committee to confirm hiring of the additional employee at the UT Municipal Court

Mr. Mazza made a motion to hire Julia Yotcoski as an Administrative Assistant in the Municipal Court effective through the end of March 2010 for a total of 2 days per week, 10 hours total at the rate of \$14.00 per hour. Mrs. Dziubek seconded. Vote: Ayes – Mr. Severino, Mr. Mazza. Nays – Mr. Bischoff, Mrs. Dziubek. **Motion defeated.**

Mayor Severino will contact UT Court Administrator, Lynn Lorenz.

At 10:27 pm, Mr. Clerico left the meeting.

Mr. Mazza reported the following:

- Attended the meeting of the Recreation Committee who is planning a 5K run at the end of school year. The date selected is June 5 at 10:00 am and the PTA is hosting a barbeque afterwards. Two Movie Nights are planned on June 19th and August 27th. An insurance certificate will be provided to the Township.
- Aluminum cross bars on the soccer goals of 18 and 21 feet long are missing and are either buried in the snow or stolen.
- The Recreation Committee has been using their website for the last 6 months. The Attorney and Committee engaged in discussion concerning the use and oversight of the website. Mrs. Dziubek to follow up.

Mr. Bischoff reported the following:

- Quote “A liberal is someone who feels a great debt to his fellow man; which debt he proposes to pay off with your money.”
- March 2, Board of Health Member Seminar. Not necessary to attend.
- Letter from Mr. Lesniack discussed. Professionals were cc’d on the letter. Mr. Bischoff will call Mr. Koenig.

CLERK’S REPORT – Nothing to report

PUBLIC COMMENTS - None

PAYMENT OF THE BILLS

Mrs. Dziubek moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

ADJOURNMENT – There being no further business to come before the Township Committee at this time, Mrs. Dziubek made a motion to adjourn. Mr. Bischoff seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 10:47 pm.

Respectfully submitted,

Pat Essig
Administrative Assistant